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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,601	02/08/2000	Enrique David Sancho	2062.001US1	2846

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EXAMINER	
WINTER, JOHN M	
ART UNIT	PAPER NUMBER
3621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No.	Applicant(s)	
	09/500,601	SANCHO, ENRIQUE DAVID	
	Examiner	Art Unit	
	John M. Winter	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/20/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status
Claims 16-39 are pending

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response to Arguments

The Applicants arguments filed on January 14, 2007 have been fully considered.

The Applicant states that the claims of the present invention are directed towards a different purpose and are not obvious in view of the prior art.

Examiner responds that as per *Ex parte Clapp*, 227 USPQ 972 (Bd Pat App & Int) "To support conclusion that claimed combination is directed to obvious subject matter, the references must either expressly or impliedly suggest claimed combination or the examiner must present a convincing line of reasoning as to why artisan would have found claimed invention to have been obvious in light of the references teachings.", the Examiner states the reference deals with the generalized problem of verifying identity and therefore would be obvious to a person of ordinary skill in the art.

The Applicant further states that in the method disclosed by Cane, the encryption scheme uses two inputs transmitted by the user, the first being a "program identifier i", and the second "the user hardware identifier j"; thus there is no mention of a "first identification for the user" as recited in claim 16, being received in a response from the user computer. As such, Cane fails to teach or suggest "receiving at least one response from the user computer, the at least one response including a first fingerprint file and a first identification for the user,

The Examiner responds that the Cane reference is cited as identifying the users computer, the feature of identity of the user is disclosed by Padgett, (Column 2, lines 61-67; column 3 lines 1-6).

See following rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 16-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padgett et al (US Patent 6,167,518) in view of Ross (US Patent 6,195,447) and further in view of Beetcher et al (US Patent 5,933,497) and further in view of Cane et al. (US Patent 5,416,840)

As per claim 16,

Padgett et al ('518) discloses a method for verifying a user and a user computer comprising:

in response to the request for verification, sending at least one request to the user computer; (Figure 1)

comparing the first identification for the user against a second identification for the user to verify the user, the second identification for the user accessible by the verification computer;(Column 2, lines 61-67; column 3 lines 1-6)

Padgett et al ('518) does not explicitly disclose the features of receiving in a verification computer, a request for verification from a computer; receiving at least one response from the user computer, the at least one response including a first fingerprint file and a first identification for the user; comparing the first fingerprint file against a second fingerprint file to verify the user computer, the second fingerprint file accessible by the verification computer; sending at least one verification response, based upon the comparing of the first fingerprint file against the second fingerprint file and upon the comparing of the first identification for the user against the second identification for the user. Ross ('447) discloses receiving a request for verification from a computer; receiving at least one response from the user computer,(Figure 3) the at least one response including a first fingerprint file and a first identification for the user;(Column 3, lines 56-59) comparing the first fingerprint file against a second fingerprint file to verify the user computer, the second fingerprint file accessible by the verification computer;(Column 4, lines 1-7); sending at least one verification response, based upon the comparing of the first fingerprint file against the second fingerprint file and upon the comparing of the first identification for the user against the second identification for the user.(Column 4, lines 25-27) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Padgett et al ('518) method with the Ross ('447) method in order to increase security in systems that utilize fingerprint comparisons without requiring additional hardware costs.

Padgett et al ('518) does not explicitly discloses said fingerprint file being comprised of at least one identifying characteristic of the user computer. Cane et al. ('840) discloses said first fingerprint file being comprised of at least one identifying characteristic of the user computer.(Abstract) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Padgett et al ('518) method with the Cane et al. ('840) method in order to increase security in systems that utilize unique hardware identifiers.

Beetcher et al ('497) discloses the claimed invention except for a second fingerprint file, it would have been obvious to one having ordinary skill in the art at the time the invention was made use a second fingerprint file, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

As per claim 17,

Padgett et al ('518) discloses the method according to claim 16

Padgett et al ('518) does not explicitly disclose the verification computer is a clearinghouse computer. Ross ('447) discloses the verification computer is a clearinghouse computer.(Figure 3) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Padgett et al ('518) method with the Ross ('447) method in order to increase security in systems that utilize fingerprint comparisons without requiring additional hardware costs.

As per claim 18,

Padgett et al ('518) discloses the method according to claim 16

Padgett et al ('518) does not explicitly disclose the verification computer is a vendor computer. Ross ('447) discloses the verification computer is a vendor computer.(Figure 3) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Padgett et al ('518) method with the Ross ('447) method in order to increase security in systems that utilize fingerprint comparisons without requiring additional hardware costs.

As per claim 19,

Padgett et al ('518) discloses A method according to claim 16, wherein said step of sending at least one request to a user computer includes:

sending a first request to the user computer for the first fingerprint file; and sending a second request to the user computer for the first identification for the user.(Column 5, lines 16-26, Figure 2)

As per claim 20,

Padgett et al ('518) discloses a method according to claim 16, wherein said step of receiving at least one response from the user computer includes:

receiving a first response from the user computer including the fingerprint file; and receiving a second response from the user computer including the first identification for the user.(Column 5, lines 43-44)

As per claim 21,

Padgett et al ('518) discloses a method according to claim 16,

Official Notice is taken that "the second response from the user computer is received prior to first response from the user computer" is common and well known in prior art in reference to network communications. It would have been obvious to one having ordinary skill in the art at the time the invention was made that replies from a client might be received out of

order because of the nonhomogenous nature of computer networks, ie. The first response could be delayed due the a large amount of network traffic while the second response might be routed differently and be received prior to the first transmission. The Examiner noted that this feature is common to Email systems such as SMTP.

As per claim 22,

Padgett et al ('518) discloses a method according to claim 16,

Official Notice is taken that "steps of comparing the first fingerprint file against a second fingerprint file, and comparing the first identification for the user against a second identification for the user are not performed simultaneously" is common and well known in prior art in reference to authentication via database. It would have been obvious to one having ordinary skill in the art at the time the invention was made that comparison of identification feature would not occur simultaneously in order to provide more efficient processing of the data, by comparing the fingerprint files sequentially processing time is save if the first comparison fails, rendering the second comparison unnecessary

As per claim 23,

Padgett et al ('518) discloses a method according to claim 18, wherein said step of sending at least one response to the vendor computer, based upon the comparing of the first fingerprint file against the second fingerprint file and upon the comparing of the first identification for the user against the second identification for the user includes

sending a confirmation only when both the first fingerprint file and the first identification of the user match the second fingerprint file and the second identification for the user respectively.(Column 6, lines 40-49)

As per claim 24,

Padgett et al ('518) discloses a method according to claim 19, wherein said step of receiving at least one response from the user computer includes:

receiving a first response from the user computer including the first fingerprint file; and receiving a second response from the user computer including the first identification for the user.(Figure 2)

As per claim 25,

Padgett et al ('518) discloses a method according to claim 24,

Official Notice is taken that "the second response from the user computer is received prior to first response from the user computer" is common and well known in prior art in reference to network communications. It would have been obvious to one having ordinary skill in the art at the time the invention was made that replies from a client might be received out of order because of the non- homogenous nature of computer networks, ie. The first response could be delayed due the a large amount of network traffic while the second response might be routed differently and be received prior to the first transmission. The Examiner noted that this feature is common to Email systems such as SMTP.

As per claim 26,

Padgett et al ('518) discloses a method according to claim 16,
wherein the first identification for the user includes a password.(Column 5, lines 13-22)

As per claims 27 and 28,
Padgett et al ('518) discloses a method according to claim 16,
Official Notice is taken that "the first fingerprint file includes information based upon an identification number of a CPU [or MAC address]of the user computer" is common and well known in prior art in reference to authentication. It would have been obvious to one having ordinary skill in the art at the time the invention was made that a hardware identifier such as a CPU ID or MAC address would be included along with a users identity in order to increase the security of the system by preventing access from unauthorized locations.

As per claim 29,
Padgett et al ('518) discloses a method according to claim 16, wherein prior to the step of receiving the first request from the verification computer,
storing the second fingerprint file in a first data base accessible by verification computer,and storing the second identifications for the user in a second database accessible by the verification computer.(Figure 3)

As per claim 30,
Padgett et al ('518) discloses a method according to claim 18, wherein prior to the step of receiving the first request from the vendor computer,
storing the second fingerprint file in a first data base accessible by a clearinghouse computer, and storing the second identifications for the user in a second database accessible by a ' clearinghouse computer.(Figure 3)

As per claim 31,
Padgett et al ('518) discloses the method according to claim 28
Official Notice is taken that "first database and second database are the same" is common and well known in prior art in reference to authentication. It would have been obvious to one having ordinary skill in the art at the time the invention was to not use multiple databases in order to increase the performance of the system by reducing the number of database transactions made

As per claim 32,
Padgett et al ('518) discloses the method according to claim 18 wherein the step of receiving a request from a vendor computer includes
receiving an Internet address of the user computer.(Figure 3)

As per claim 33,
Padgett et al ('518) discloses the method according to claim 32
Official Notice is taken that "identifying the user computer based upon the Internet address received from the vendor computer" is common and well known in prior art in reference to authentication. It would have been obvious to one having ordinary skill in the art at the time

the invention was made that a identifier such as an Internet address would identify the user in order to increase the security of the system by preventing access by unauthorized people.

As per claim 34,

Padgett et al ('518) discloses a clearinghouse computer comprising:

a processor for communicating with the storage unit and the memory unit for comparing information indicative of the second fingerprint file and the second identification for the user with information indicative of the first fingerprint file and first identification for the user, and causing a message to be generated based upon the comparing.(Column 2, lines 61-67; column 3 lines 1-6). Padgett et al ('518) does not explicitly disclose a storage unit for storing information received from a user computer; the information including a second fingerprint file and a second identification for a user; a memory unit for receiving information indicative of first fingerprint file and a first identification for the user; Ross ('447) discloses a storage unit for storing information received from a user computer;(Figure 3) the information including a second fingerprint file and a second identification for a user;(Column 3, lines 56-59) a memory unit for receiving information indicative of first fingerprint file and a first identification for the user(Column 3, lines 56-59). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Padgett et al ('518) method with the Ross ('447) method in order to increase security in systems that utilize fingerprint comparisons without requiring additional hardware costs.

Padgett et al ('518) does not explicitly discloses said fingerprint file being comprised of at least one identifying characteristic of the user computer. Cane et al. ('840) discloses said first fingerprint file being comprised of at least one identifying characteristic of the user computer.(Abstract) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Padgett et al ('518) method with the Cane et al. ('840) method in order to increase security in systems that utilize unique hardware identifiers.

Beetcher et al ('497) discloses the claimed invention except for a second fingerprint file, it would have been obvious to one having ordinary skill in the art at the time the invention was made use a second fingerprint file, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

As per claim 35,

Padgett et al ('518) discloses a clearinghouse computer according to claim 34, wherein the storage unit includes:

a first storage location for storing the second fingerprint file, and a second storage location for storing the second identification for the user.(Figure 3)

As per claim 36,

Padgett et al ('518) discloses a clearinghouse computer according to claim 34, wherein the memory unit includes:

a first memory location for storing, at least temporarily, the first fingerprint file, and a second memory location for storing, at least temporarily, the first identification for the user.(Figure 3)

As per claim 37,

Padgett et al ('518) discloses a clearinghouse computer according to claim 34, further including:

an output for receiving the message to be generated based upon the comparison, and the output further capable of communicating with a vendor computer.(Figure 8)

As per claim 38,

Padgett et al ('518) discloses a clearinghouse computer according to claim 34,

wherein the second identification for the user includes a password.(Column 5, lines 13-22)

As per claim 39,

Padgett et al ('518) discloses a clearinghouse computer according to claim 34

Official Notice is taken that "includes information based upon an identification number of a CPU of the user computer" is common and well known in prior art in reference to authentication. It would have been obvious to one having ordinary skill in the art at the time the invention was made that a hardware identifier such as a CPU ID would be included along with a users identity in order to increase the security of the system by preventing access from unauthorized locations.

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John Winter
Patent Examiner -- 3621

3/19/07

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